United Nations S/2016/99

Security Council

Distr.: General
1 February 2016

Original: English

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of its mandate. It covers the activities of UNMIK, and developments related thereto, from 16 October 2015 to 15 January 2016.

2. The priorities of the Mission remain to promote security, stability and respect for human rights in Kosovo and in the region. In furtherance of its goals, UNMIK continues its constructive engagement with Pristina and Belgrade, all communities in Kosovo and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission (EULEX) continues its presence in Kosovo in line with the statement by the President of the Security Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692). The United Nations agencies, funds and programmes work closely with the Mission.

II. Key political developments

3. The reporting period was marked by continued disruption of the functioning of the Assembly of Kosovo by opposition lawmakers protesting, in part, against a package of agreements adopted in August 2015 under the European Union-facilitated dialogue between Belgrade and Pristina. Despite this, progress was achieved in the European integration process. On 27 October, the Prime Minister of Kosovo, together with his Minister of European Integration, signed a Stabilization and Association Agreement with the European Union High Representative for Foreign Affairs and Security Policy as well as the Commissioner for European Neighbourhood Policy and Enlargement Negotiations. On 2 November, the Assembly of Kosovo adopted a law ratifying the agreement. All opposition representatives but one left the plenary hall minutes before the vote, without disrupting the session.

4. During other Assembly sessions convened during this period, opposition members released tear gas canisters, inside or outside the plenary hall. The publicly

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stated issues of contention were the opposition's rejection of the establishment of the Association/Community of Serb majority municipalities in Kosovo and the agreement on territorial delineation signed with Montenegro. In an attempt to overcome the political impasse and foster dialogue, the President of Kosovo, Atifete Jahjaga, facilitated a series of consultations among political leaders.

5. On 28 November, following violent protests which occurred during celebrations of the Albanian "Flag Day", the Kosovo police detained a number of activists of the opposition "Self-Determination" party, including its co-founder, who was arrested on suspicion of criminal offences relating to the disruption of the Assembly, including for the "use of a weapon or dangerous instrument". On 30 November, the President of the Assembly suspended for the remainder of the day all but two of the opposition party members of the Assembly, invoking article 41 of its rules of procedure regarding disorderly conduct.

6. On 9 January, opposition parties staged a large-scale protest in Pristina, calling for the resignation of the Prime Minister, Isa Mustafa, and the First Deputy Prime Minister and Minister for Foreign Affairs, Hashim Thaçi. Some of the protestors became violent, and this resulted in injuries to persons as well as damage to public property. The "Alliance for the Future of Kosovo" and the "Initiative for Kosovo", two of the three major opposition parties, condemned the violence in statements issued on the same day. On 10 January, however, all three opposition parties announced that protests would continue. Demonstrations held in Pristina on 24 October and on 17 and 18 November had also been marred by violent incidents, as detailed in paragraph 19.

7. On 30 October, President Jahjaga referred the agreements reached in Brussels on 25 August 2015 on the "general principles/main elements" of the Association/Community of Serb majority municipalities in Kosovo to the Constitutional Court of Kosovo for review. On 23 December, the Court ruled that the Association/Community can be established as provided for by the agreement of 19 April 2013. However, the Court also argued that the "general principles/main elements" were not entirely in compliance with the spirit of the Constitution and further ruled that the government should incorporate these conclusions in subsequent legal acts. On 24 December, the Prime Minister publicly reaffirmed the government's readiness to continue the process of establishing the Association/Community, in keeping with the decision of the Court.

8. No high-level meetings of the European Union-facilitated dialogue were convened during the reporting period. The Government of Serbia consistently expressed concern over the possible adverse effects of internal political conflict in Pristina on the status of the implementation of agreements between Belgrade and Pristina. Nevertheless, continued progress was made in some practical areas of the implementation of agreements. On 4 January, the Government of Austria, on behalf of Kosovo, applied to the International Telecommunication Union for a 3-digit telephone dialling code, in accordance with the action plan on telecommunications agreed under the agreements of 25 August 2015. For their part, the Kosovo authorities decided that they would license the subsidiary of a Serbian company under the Kosovo regulatory framework in compliance with the same action plan.

9. On 10 December, the Belgrade and Pristina Chambers of Commerce agreed to a three-stage plan to harmonize veterinary certificates by the end of March 2016 to overcome technical obstacles to cross-boundary commerce. On 21 December, the

two Chambers convened a Business Forum in Belgrade, exploring further avenues of enhanced commercial cooperation.

10. On 22 November, representatives of the Serbian Armed Forces and KFOR signed an agreement to fully relax the air safety zone. Established by the Kumanovo Military Technical Agreement of 9 June 1999, the air safety zone previously encompassed a 25-km-wide band of Serbian airspace along the Administrative Boundary Line.

11. On 16 December, the Millennium Challenge Corporation of the United States Government confirmed Kosovo's eligibility to develop a compact, which will make available development funding of $60 million-$100 million over a period of five years. The Office of the United Nations Development Coordinator in Kosovo supported the Kosovo institutions towards achieving this milestone.

12. On 18 December, the European Commission adopted the third and final report on Kosovo's progress in fulfilling the requirements of its visa liberalization road map. The Commission noted that Kosovo needed to fulfil eight outstanding requirements, most of which pertained to the rule of law, before the Commission would recommend lifting the visa obligation. The European Union Council conclusions on Kosovo, published earlier in December, stressed the importance of the fulfilment of all conditions set for visa liberalization and encouraged Kosovo to pursue its efforts to make progress.

III. Northern Kosovo

13. In northern Kosovo, implementation of elements of the agreements of 25 August 2015 was mixed. The implementation of the agreed plan for the revitalization of the main Mitrovica bridge and its surroundings began on 17 October. However, a memorandum of understanding delineating the administrative boundaries of cadastral areas in the neighbourhoods of Suvi Do/Suhadoll and Kroi i Vitakut/Brđani remained under discussion, and had yet to be signed.

14. The situation in the ethnically mixed neighbourhood Kroi i Vitakut/Brđani in North Mitrovica remained on the agenda of local and central-level institutions. In November, Kosovo Albanian workers were observed on several occasions clearing plots of land for reconstruction. On 20 November, two Kosovo Albanian workers defied orders from municipal inspectors to cease such activity, and were consequently detained for questioning by Kosovo police. The Inter-Ministerial Working Group on Returns to Kroi i Vitakut/Brđani met on 25 November and 15 December. At the second meeting, the Working Group agreed to grant permission to three Kosovo Albanian families to begin reconstruction of their homes, and the good faith demonstrated by both sides in the process helped in keeping tensions in check.

15. Following its rejection of the budgets proposed by the northern municipal assemblies in September 2015, the Ministry of Finance submitted revised proposals to the municipalities in November, significantly reducing the allocations in the original submissions, in particular regarding capital investments and salary lines. Although both sides attempted to avoid a repeat of the situation in 2015 in which municipal functioning was hampered because of a prolonged budget dispute,

subsequent meetings between the mayors and the government on 9 and 16 December did not yield a compromise and consultations continued.

16. The implementation of the agreement of July 2011 on civil registration documents continued, with the handover of certified copies of pre-1999 civil registry books from Pristina to the northern municipalities. On 23 October and 11 December, civil registries were delivered to the Zubin Potok, Zvečan/Zveçan and Leposavić/Leposaviq municipalities. On 25 December, the Zubin Potok Municipal Assembly, further to a request from the Ministry of Internal Affairs, agreed to allocate a plot of land for the construction of a Kosovo police and fire brigade station, marking the first instance in which a northern municipality granted land use rights for a Kosovo central institution.

17. On 18 November, KFOR withdrew its troops from a forward observation point near Boundary Crossing Point Gate 31. On 21 December, KFOR handed over the land parcels of the now-dismantled Čabra/Çabër Camp in Zubin Potok municipality to their local owners.

18. UNMIK continued its monitoring, mediation and facilitation on a wide range of outstanding issues between government and civil society in North and South Mitrovica. UNMIK also organized meetings with municipal authorities from both sides of the Ibër/Ibar River to promote more local resolution on contentious matters.

IV. Security

19. The overall security situation in Kosovo remained generally stable during the reporting period, despite violence during political protests. On 19 October in Pristina, assailants attempted to target the Prime Minister's convoy with paintballs. The Kosovo police arrested two suspects in relation to the incident. On 24 October, the Kosovo police arrested 10 suspects for throwing stones and Molotov cocktails in the direction of police officers during a protest in front of the Assembly building. On 17 November, Kosovo police used tear gas and water cannons to disperse a crowd of violent protestors in the same location. Three protesters were arrested, two of whom were in possession of petrol bombs. Seventeen officers sustained injuries. On 18 November, Kosovo police arrested another 30 protesters during two violent protests in Pristina. During the protest on 9 January, demonstrators threw Molotov cocktails and stones in the direction of the police officers. Approximately 30 people were injured, including 24 police officers, and 34 persons were arrested.

20. The terrorist attacks in Paris on 13 November prompted the Kosovo authorities to moderately enhance security measures, while KFOR upgraded its alert status. On 15 November, at the Hani i Elezit/Đeneral Janković crossing point with the former Yugoslav Republic of Macedonia, the Kosovo police arrested three Kosovo Albanians who had been returned by the Turkish authorities on terror-related charges. On 1 December, in Rezhancë/Režance village (Hani i Elezit/Đeneral Janković municipality), the Kosovo anti-terrorism unit and the Special Prosecutor arrested one Kosovo Albanian suspected of terrorism in a joint operation with Italian authorities. On 4 December, the Kosovo Special Prosecution Office indicted five Kosovo Albanians who had been arrested on 11 July at Lake Badovc/Badovac near Pristina while allegedly preparing to shoot a video pledging allegiance to a terrorist organization (ISIL). On 4 January, two Kosovo Albanians deported from Turkey were arrested on suspicion of having violated article 143 of the Kosovo

Criminal Code, "Organization and participation in a terrorist group". Between 23 and 25 November in Bosniak Mahalla of North Mitrovica, graffiti reading "ISIS" were found at several places, including at the entrances to two Kosovo Serb residences.

21. A number of incidents involving non-majority communities occurred during the reporting period, mainly in northern and western Kosovo. On 24 October, in Kufc i Epermë/Gornje Kusce (Novobërdë/Novo Brdo municipality), one Kosovo Serb juvenile was stabbed in a confrontation between groups of Kosovo Serb and Kosovo Albanian young people over a football match. Two Kosovo Albanian juveniles were arrested. On 25 October, a bus with Kosovo Serb internally displaced persons was pelted with stones in Pejë/Peć. Two Kosovo Albanians were arrested in relation to this incident. On 7 December, unknown perpetrators committed two separate drive-by shootings in Gorazhdevc/Goraždevac (Pejë/Peć municipality) and Srbobran/Sërbobrani (Istog/Istok municipality). In the first case, a memorial to Kosovo Serb victims was damaged and a car was burned. On 30 December, graves were damaged in a Catholic cemetery located in Dedaj village in Prizren municipality.

V. Rule of law

22. On 15 January, the Council of Ministers of the Netherlands agreed to host the Specialist Chambers and Specialist Prosecutor's Office in the Netherlands. The Specialist Court, which is a Kosovo institution with international judges, will try cases involving serious crimes committed during and in the immediate aftermath of the Kosovo conflict and is expected to begin operating sometime in 2016. The Governments of the Netherlands and Kosovo have concluded a seat agreement, which sets forth the arrangements that will apply to the institution.

23. UNMIK continued to monitor the rule of law situation, exercising some responsibilities in the area of rule of law while maintaining technical cooperation with rule of law-related institutions in both Belgrade and Pristina. UNMIK continued to facilitate requests for mutual legal assistance from States that do not recognize Kosovo and to provide document-certification services including to Kosovo residents, primarily to certify civil status, academic credentials and pension documents. A total of 459 such documents were processed from 16 October to 15 January.

24. UNMIK continued to facilitate communications between the Kosovo authorities and the International Criminal Police Organization (INTERPOL) and its member countries. During the reporting period, 13 INTERPOL "red notices" were issued at the Mission's request. UNMIK attended the 84th INTERPOL General Assembly, held from 2 to 5 November 2015 in Kigali.

25. During the session of the Kosovo Assembly on 30 November, two judges were selected for appointment to the Constitutional Court of Kosovo. On 30 December, President Jahjaga appointed the nominees and they took the oath of office. The Court panel is now fully staffed with nine judges.

26. On 11 January, 378 former Serbian civil protection personnel in northern Kosovo were integrated into different Kosovo institutions by signing either their contracts with those institutions (328 persons) or declarations allowing them to be paid from the contingency fund (50 persons). The handover of some premises,

however, remained pending. The arrangements were a part of the integration process between Belgrade and Pristina agreed within the framework of the agreement of 19 April 2013.

27. The capacity of the Detention Centre in North Mitrovica increased as 25 former civil protection personnel began work as corrections officers on 16 November. The Detention Centre can still house only male inmates, however, and adequate detention facilities for women and juveniles have yet to be established. The management of the Detention Centre announced that international standards are being met with regard to inmates in detention on remand, but not for those serving prison sentences inside the facility.

28. During the reporting period, little further progress was made in the implementation of the Pristina-Belgrade agreement on integration of the judiciary and the Government of Serbia had yet to enact special legislation regulating the pensions of the staff still employed in its institutions. The integration of legal support staff was also delayed and no vacancy announcement had yet been issued.

29. In December, the closing arguments were given by the prosecutor and the defence counsels for defendants Oliver Ivanović, a Kosovo Serb political leader, and Dragoljub Delibašić, in the *Oliver Ivanović et al.* case before a trial panel of EULEX international judges at the Basic Court of Mitrovica, which also involves three other defendants. Mr. Ivanović is accused, inter alia, of incitement to commit war crimes against the civilian population in April 1999. The closing arguments for the remaining three defendants, with a verdict, are expected in January. Mr. Ivanović and three other defendants remain under house arrest.

30. On 10 December, a panel of EULEX judges acquitted two defendants in relation to the killing of a Kosovo police officer, Enver Zymberi, on 25 July 2011. One defendant was acquitted of all charges while the other was found guilty of "obstructing official persons in performing official duties" and sentenced to six months' imprisonment with a two-year suspension.

VI. Returns and communities

31. The Office of the United Nations High Commissioner for Refugees (UNHCR) recorded a total of 258 voluntary returns to Kosovo from October to December 2015, the breakdown of which was as follows: 103 Kosovo Egyptians, 70 Kosovo Serbs, 40 Kosovo Roma, 25 Kosovo Ashkali, 16 Kosovo Albanians, 3 Kosovo Bosniaks and 1 Kosovo Montenegrin.

32. UNHCR also estimates that the total number of internally displaced persons living in Kosovo has decreased from 17,113 in 2014 to 16,862 at the end of 2015, owing to the provision of durable solutions for some of the displaced persons. Of the total number of displaced persons living in Kosovo, 472 reside in 29 collective centres.

33. To address the potential influx of migrants taking the West Balkans route towards Europe, the Kosovo authorities, led by the Ministry of Internal Affairs, developed a draft response plan in November to prepare for the eventuality of a large-scale diversion of mixed migration flows through Kosovo. Meanwhile, UNHCR continued to support individual community members in obtaining personal

documentation and resolving issues relating to their civil status. During the reporting period, such assistance was provided to 107 individuals.

34. In the context of improving the educational standards of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities, the Kosovo Scholarship Program awarded a total of 500 scholarships to secondary school students from the three communities for the 2015/16 school year.

VII. Cultural and religious heritage

35. On 30 December, the Kosovo government adopted its draft legislative programme for 2016, which foresees a new draft law on amending and supplementing the law on cultural heritage to be discussed during the session of the Cabinet scheduled for 30 June 2016. The draft law is to be submitted to the Assembly once endorsed by the government.

36. On 3 December, the European Union approved funding for a joint United Nations-European Union programme on community-level confidence-building through cultural protection. This agreement represents substantial new cooperation between the United Nations and the European Union in Kosovo on the implementation of confidence-building measures for the preservation of cultural heritage. The funding for the initiative has been made available by the European Union Instrument contributing to Stability and Peace, with project implementation led by the United Nations Development Programme scheduled to start early in 2016.

37. The land dispute between the Deçan/Dečani municipality and the Serbian Orthodox Visoki Dečani Monastery continued. On 5 December, the Constitutional Court of Kosovo, taking into account the classification of the monastery as a UNESCO World Heritage Site, granted an interim measure suspending any judicial proceedings, actions or decisions of public authorities in relation to the constitutional complaint submitted by the Visoki Dečani Monastery. The interim measure expires on 29 February 2016. The Deçan/Dečani branch of the League of Kosovo Historians criticized the decision and organized a peaceful protest in Deçan/Dečani town on 17 December, drawing an estimated 400 people.

VIII. Human rights

38. The International Human Rights Working Group, established by UNMIK in September 2015 and comprising representatives of the Council of Europe, the European Union, OSCE, UNICEF, France, Switzerland and the United States of America, fostered synergies among its participants and strengthened coordinated support for the implementation of human rights mechanisms and frameworks by the relevant Kosovo institutions. On 25 November, the first consultation between the Ombudsperson and the Working Group identified a number of challenges faced by that institution, including insufficient funding and a shortage of trained experts. The Working Group also supported the Office of the Prime Minister in reviewing the draft of the Kosovo Human Rights Strategy (2016-2020) to ensure that the strategy meets international human rights standards, including those established within the European human rights framework.

39. On 22 October in Pristina, the Kosovo Government Commission on Missing Persons met with representatives of the Commission on Missing Persons in Montenegro and signed a cooperation agreement on the exchange of information on persons who remain unaccounted for. The Working Group on Enforced or Involuntary Disappearances had recommended concluding such agreements in its report presented to the Human Rights Council in September 2015.

40. On 9 November, excavations began at Kiževak, a new location in the Rudnica region, Serbia. EULEX has been guiding the activity in coordination with the prosecutorial office of the Belgrade District Court of War Crimes. Both the Belgrade and Pristina delegations to the Joint Working Group on the persons unaccounted for in connection with events in Kosovo have been participating in the excavations since 16 November.

41. On 9 December, the Joint Working Group on the persons unaccounted for in connection with events in Kosovo held a session, during which discussions focused on exchanging lists of missing persons. The meeting was chaired by the International Committee of the Red Cross, and UNMIK attended as a member of the Pristina delegation. Although the two delegations agreed to meet again by March 2016, substantive work of the Joint Working Group has largely stalled as Pristina has yet to appoint the head of its delegation, a position that has remained vacant since November 2014.

42. During the reporting period, the UNMIK Human Rights Advisory Panel delivered nine opinions on 31 complaints. In eight of the nine opinions, the Panel found that UNMIK had failed to meet the procedural requirements stipulated in article 2 (right to life) of the European Convention on Human Rights, due to the lack of proper criminal investigation. Further, the Panel established that, in 22 of the 31 complaints, the procedural requirements had not been met as provided in article 3 of the Convention (prohibition of torture, inhumane or degrading treatment). In the ninth opinion, the Panel concluded that the Mission had violated article 3 of the Convention as well as articles 9 (right to social security) and 11 (right to an adequate standard of living) of the International Covenant on Economic, Social and Cultural Rights. Since my last report, no progress has been made with regard to the Panel's recommendations relating to the payment of adequate compensation for moral damages suffered as a result of those violations. By the end of 2015, the Panel had closed 518 cases, with nine remaining. The Panel plans to complete its substantive work by March 2016, followed by preparation and presentation of its final report.

43. In December, UN-Women supported the implementation of the action plan of the Kosovo Council on the Survivors of Sexual Violence during the War with regard to ensuring survivors' access to justice by providing joint training with EULEX on sexual violence as an international crime for investigators, judges and prosecutors.

44. During the global "16 Days of Activism against Gender-Based Violence" campaign, held from 25 November to 10 December, over 20 separate events were held across Kosovo to raise awareness of gender-based violence and to advocate for improved institutional responses. The campaign was organized chiefly by the Kosovo Agency for Gender Equality with support from UN-Women.

IX. Observations

45. The continuing use of violence and inflammatory rhetoric by opposition parties, which disrupted the proceedings of the Assembly and exacerbated tensions in the streets of Kosovo, is of serious concern. Such actions are unacceptable; they have no place in a democratic society and can have only a negative impact on Kosovo. I urge those responsible to refrain from challenging the dividends of democracy by resorting to violence, to address political grievances through legitimate channels, and to rise to their stature as elected representatives. I commend the professionalism and restraint demonstrated by the Kosovo police in managing several violent protests which occurred during this period. I commend President Jahjaga's sustained efforts to help to resolve the situation through transparent and inclusive dialogue.

46. I note with concern that these developments have contributed to delays in some aspects of the implementation of the Belgrade-Pristina agreement of 19 April 2013, and the subsequent package of agreements of 25 August 2015. In particular, procedures agreed towards the establishment of the Association/Community of Serb majority municipalities in Kosovo have fallen short of meeting the specified timeframe. Nonetheless, the recent decision by the Constitutional Court in Pristina and the commitment by the government to continue the process of establishing the Association/Community in keeping with the Court's decision mark an important step towards the expeditious resumption of this effort. I urge stakeholders to redouble their efforts, in the interest of all who live in Kosovo. I appreciate the commitments made by both Pristina and Belgrade to continue the high-level dialogue meetings under European Union facilitation in the very near future.

47. I welcome the very significant progress made in the integration into Kosovo institutions of former Serbian civil protection personnel. This comes as a direct result of the continuing implementation work by both sides to fulfil the agreements achieved in the European Union-facilitated dialogue. I also note the application for a unique Kosovo dialling code, submitted to the International Telecommunication Union by the Government of Austria on behalf of Kosovo. At the local level, I commend the continuing productive interchanges between the mayors of North and South Mitrovica on pending matters, including that concerning the settling of the municipal boundaries.

48. The signing and ratification of a Stabilization and Association Agreement between Kosovo and the European Union marks a milestone in progress towards European integration, and a clear recognition of the work already accomplished by Kosovo institutions. I encourage the government and all political stakeholders to remain resilient and steadfast in their commitment to this path, regardless of the many short-term political challenges and struggles.

49. Demonstrating fundamental commitment to the rule of law in Kosovo likewise demands swift and determined action to fully establish and operationalize the Specialist Court. I note with appreciation the agreement of the Government of the Netherlands, announced on 15 January, to host this institution in The Hague. I expect all stakeholders to proceed expeditiously towards concluding the remaining steps, in line with the constitutional amendment and related legislation adopted by the Assembly of Kosovo in August 2015.

50. The confirmation of Kosovo's eligibility to develop a Millennium Challenge Corporation compact is a significant achievement, providing further opportunities for Kosovo to access resources that advance social and economic development. I also make special note of the initiatives by business leaders within the Chambers of Commerce in both Belgrade and Pristina to put aside political problems and to build new cooperation within the business community. Their efforts are a lesson in far-sighted action.

51. I express my gratitude to my Special Representative, Zahir Tanin, for leading UNMIK with commitment, and all Mission personnel for their service. I am also thankful to members of the United Nations family and UNMIK partners on the ground, including KFOR, EULEX, OSCE and the European Union, for their cooperation and continuing contributions to peace and progress in Kosovo.

Annex I

Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo

(covering the period from 16 October 2015 to 15 January 2016)

1. Summary

The European Union Rule of Law Mission in Kosovo (EULEX) continued its monitoring, mentoring and advising activities, and to implement its executive functions in line with its mandate in the rule of law area. A number of verdicts were pronounced in cases concerning organized crime, corruption and other serious crimes. The trial in the "Matrix" case, relating to organized crime and migrant smuggling into the European Union, led to the conviction and imprisonment of four defendants. Five Kosovo police officers were found guilty in the "Gracanica 10" case concerning mistreatment of nine Kosovo Serbs from northern Kosovo. A former member of the Liberation Army of Presevo, Medvedja and Bujanovac was sentenced to imprisonment for attempted aggravated murder, committed in the former Yugoslav Republic of Macedonia.

The Mission supported the Kosovo Border Police and the Ministry of Internal Affairs with technical advice to deal with the potential influx of irregular migrants and refugees into Kosovo. Against the backdrop of the political stalemate and demonstrations by the opposition, EULEX provided advice to the Kosovo police in their response to the protests, some of which turned violent.

In northern Kosovo, the Mission exercised its executive functions in a number of judicial cases. Two defendants received suspended prison sentences for involvement in attacks against EULEX personnel in the municipality of Zubin Potok in April and May 2012. One defendant received a suspended prison sentence for obstruction of official persons in a case related to the killing of a Kosovo police officer in 2011. The main trial against five defendants, including a well-known Kosovo Serb politician, accused of war crimes, continued.

Further successful steps were taken in the implementation of European Union-facilitated dialogue agreements with support from EULEX. In the context of the integration of the Serbian civil protection personnel, in November, 25 new Kosovo corrections officers, all former staff of the Serbian civil protection, graduated from their training course at the Kosovo Academy for Public Safety and began employment at the Mitrovica Detention Centre. In December, all 483 positions in Kosovo institutions were filled and on 11 January 2016 all remaining contracts were signed. The Mission also supported the Ministry of Internal Affairs in its efforts to make civil registry services fully available in northern Kosovo. Certified copies of civil registry books have now been handed over to three of the four northern municipalities.

2. EULEX activities

2.1 Executive

War crimes

On 18 November, a EULEX judge at the Mitrovica Basic Court held an initial hearing of a defendant in the "Kukes" case related to mistreatment of persons held in Kosovo Liberation Army facilities in northern Albania during the Kosovo conflict. The suspect had managed to avoid arrest since 2010, but was arrested by Kosovo police and EULEX police on 6 October. The defendant has pleaded guilty to unauthorized possession of a weapon, but not guilty to war crimes against the civilian population.

On 10 November, a panel of one local judge and two EULEX judges at the Court of Appeals finalized the case against the "Llapi group" relating to the beating and torture of Kosovo Albanian civilians illegally detained in the detention centre in Llapashtica/Lapaštica. The appeal of one of the defendants was dismissed as belated and the verdict of three years' imprisonment against him was confirmed. For the two other defendants, the time spent in detention on remand was credited to their earlier sentences of six and four years' imprisonment respectively.

Organized crime and corruption

On 15 October, a panel of one local judge and two EULEX judges at the Pristina Basic Court announced the verdict in the "Matrix" case. Four defendants were sentenced to imprisonment of three to four years for organized crime and migrant smuggling into the European Union. The case was led by a EULEX prosecutor at the Kosovo Special Prosecution Office. One defendant had pleaded guilty earlier and was sentenced separately.

On 23 October, a EULEX prosecutor at the Kosovo Special Prosecution Office filed an indictment against four defendants charged with inter alia organized crime and money-laundering committed in 2011-2012. The accusations include large-scale tax evasion committed in the context of fuel sales. The proceeds were allegedly subsequently laundered through a construction business. The case was investigated by EULEX police.

On 26 October, the first session of the appellate proceedings in the "passport" case was held by a panel of one local judge and two EULEX judges. In December 2014, eight defendants were sentenced to imprisonment ranging from one to 12 years for offences related to the theft of €1.4 million in the context of a public supply contract for biometric passports at the Ministry of Internal Affairs.

On 30 October, a panel of one local judge and two EULEX judges started the trial for corruption-related offences in the "Ministry of Transport, Post and Telecommunications" case against inter alia a former Minister of Transport, Post and Telecommunications.

Other serious crimes cases

In October, a panel of two local judges and one EULEX judge at the Court of Appeals finalized a decision affirming an earlier ruling of the Mitrovica Basic Court whereby two Kosovo police officers serving in Mitrovica were given suspended

sentences of imprisonment for 14 months and 5 months, respectively, for abuse of official position or authority. Four other defendants were acquitted. The case relates to the provision of assistance and/or information for smuggling goods through police checkpoints in Mitrovica.

On 26 October, a EULEX prosecutor at the Kosovo Special Prosecution Office filed an indictment against two defendants for money-laundering and tax evasion. The funds, which were allegedly smuggled from Western Europe and laundered in Kosovo, exceeded €2 million. The indictment was filed following a complex investigation conducted by the EULEX police together with the Kosovo police.

On 2 November, a EULEX judge at the Mitrovica Basic Court issued a judgement in a case regarding the dismantling and reselling of stolen cars. Two defendants received suspended sentences of 18 months and 10 months' imprisonment, respectively, while a third defendant was acquitted.

On 11 November, a panel of one local judge and two EULEX judges at the Gjilan/Gnjilane Basic Court sentenced a former member of the Liberation Army of Presevo, Medvedja and Bujanovac to six years' imprisonment for attempted aggravated murder committed in December 2004 in Tetovo, the former Yugoslav Republic of Macedonia. The case was led by a EULEX prosecutor at the Kosovo Special Prosecution Office.

On 18 November, a panel of one local judge and two EULEX judges at the Pristina Basic Court announced the verdict in the "Gracanica 10" case against 11 Kosovo police officers for mistreatment of nine Kosovo Serbs from northern Kosovo in January 2013 during their time in detention. Five of the defendants were found guilty; one was sentenced to 18 months' imprisonment and the four others to suspended sentences and prohibition of exercising public service functions. The case was led by a EULEX prosecutor at the Kosovo Special Prosecution Office.

Allegations found in the report by the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe

The Special Investigative Task Force was set up in 2011 to conduct a criminal investigation into the claims found in the report of January 2011 by the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe, Dick Marty, entitled "Inhuman treatment of people and illicit trafficking in human organs in Kosovo". The investigation conducted under the auspices of the Special Investigative Task Force seeks to determine the individual criminal liability of those most responsible for the allegations made in the report.

The Special Investigative Task Force is moving forward with engaging injured parties, victim advocacy groups and individuals in order to gather evidence and information relevant to the investigation. Cooperation with judicial and law-enforcement authorities in the region and beyond is ongoing and remains satisfactory. The Task Force looks forward to sustained cooperation from all parties as operational and investigative activities continue to make progress.

The preparation for the establishment of the Specialist Chambers and Specialist Prosecutor's Office continues. On 15 January 2016, the Council of Ministers of the Netherlands agreed on the hosting of the Specialist Chambers and Specialist Prosecutor's Office in the Netherlands.

Department of Forensic Medicine

On 9 November, EULEX forensic experts at the Kosovo Department of Forensic Medicine started the site assessment at Kiževak in the Rudnica mine complex in Serbia around 20 km from the stone quarry where excavations were carried out in 2014. EULEX is guiding the excavation in coordination with a prosecutor of the Belgrade District Court of War Crimes and a Serbian mine expert. Among those present at the excavation were also the Government Commissions on Missing Persons from Belgrade and Pristina as well as local staff of the Kosovo Department of Forensic Medicine. The site assessment was temporarily suspended on 11 December owing to bad weather conditions but it is expected to resume in 2016. At the beginning of November, EULEX forensic experts conducted site assessments in the areas of Prizren and Deçan/Dečani.

Property rights

During the reporting period, the Kosovo Property Agency Appeals Panel received 37 new appeals and adjudicated 42 appeals, while 444 appeals are pending a decision of the panel. The Special Chamber of the Supreme Court for privatization matters rendered 196 decisions in first instance trial panel cases and finalized 53 cases at the appellate panel level.

2.2 Strengthening

The Mission supported the Kosovo Border Police with technical advice, focusing on identification and registration of irregular migrants and refugees and in strengthening their investigation capacity against smuggling as well as in the drafting of their operational plan "Influx of refugees", which defines activities and responsibilities for a coordinated response to a potential influx of irregular migrants and refugees. The Mission also provided advice to the Ministry of Internal Affairs on migration crisis contingency planning with a special focus on budgeting, and advocated enhanced coordination efforts among all Kosovo institutions involved.

EULEX continued its work with the Ministry of Internal Affairs to strengthen the civil status system and provided advice on sublegal acts for changing a person's name and defining personal identification numbers. Both are critical for the proper identification of individuals, in particular in criminal cases, and in the context of the visa liberalization road map.

The Mission continued to monitor and advise the Kosovo police in its response to various protests by the opposition, some of which turned violent. The Kosovo police demonstrated professionalism, reflecting the lessons learned from previous interventions, in accordance with European best practices. EULEX provided additional advice on arrest procedures to special units of the Kosovo police.

In the course of the implementation of a pilot project on intelligence-led policing in Ferizaj/Uroševac, statistics showed an increase in the number of adequately submitted information reports in the last quarter. The success of the pilot project will be used as an example for other police regions in Kosovo.

As part of the Mission's mandate to support Kosovo Customs, EULEX organized a workshop on intellectual property rights in Pristina. Concurrently, a public awareness campaign was launched in cooperation with Kosovo Customs to highlight the risk of health and safety hazards when buying counterfeit goods.

Further, the Mission continued to monitor the process of merging Kosovo Customs and the Tax Administration of Kosovo. In addition, the implementation of the Stabilization and Association Agreement will mean a gradual removal of all customs duties on imports from the European Union over a six-year period, with a projected decrease of revenue in 2016 of approximately €25 million. It is therefore essential that the Tax Administration improves tax collection in order to compensate for the predicted reduction in customs revenues.

On 13 November, 25 new Kosovo Correctional Service officers, all former staff of the civil protection, graduated from their training course at the Kosovo Academy for Public Safety. They started working at the Mitrovica Detention Centre on 16 November, where their presence significantly alleviates the staffing shortage. EULEX was part of their integration process, from selection to monitoring of their training in the classroom and their work at the Mitrovica Detention Centre. At the Centre, there is, however, still a lack of Kosovo Albanian staff. EULEX sent recommendations to the newly appointed Acting Director General of the Correctional Service to strengthen the management and operation of the institution, to ensure more efficient use of space and to reduce staff and operational costs. Demonstrating improved will to respond to recommendations, the Correctional Service closed down one block of Dubrava Correctional Centre in its current function to enable future use in accordance with economies of scale.

The Mission continued to provide advice to the Kosovo Prosecutorial Council and the Kosovo Judicial Council in drafting the regulations for the package of laws on the judiciary that were amended in mid-2015. The drafting process proceeded slowly during the reporting period. The Councils did not finalize the regulations by the set deadline of 15 January 2016. Both Councils will have to address the impending end of mandates of respective members and subsequent potential loss of institutional memory early in 2016. In addition to the legislative expertise, EULEX continued to provide support to the Kosovo Prosecutorial Council and the Chief State Prosecutor to ensure accountability and enhance management capacities, in particular in view of the changes, mentioned above, soon to be introduced.

The Mission continued capacity-building activities for the Office of the Disciplinary Counsel/Prosecutor and supported another workshop to improve the skills of the Office's inspectors and legal officers in the process of interviewing and collecting evidence.

2.3 Northern Kosovo

On 17 October, the revitalization of the main bridge and its surroundings began, within the context of the European Union-facilitated dialogue. The situation in Mitrovica remained calm following the initiation of the revitalization. In November, several incidents of alleged molesting and attempted abduction of underage children by an unknown person were reported in Mitrovica North. EULEX encouraged the Kosovo police to address public concerns through media outreach and community policing activities. On 9 November as well as on 9 and 10 December, some 50 to 60 former employees of the Serbian Ministry of the Interior protested in Mitrovica North demanding the review of their employment and retirement status by Serbia. On 18 November, the Minister of Finance and the Director General of Kosovo Customs were prevented from travelling to the Rudnica/Jarinjë crossing point after protesters blocked the road. On 29 November,

an explosive device was thrown at a residential building under renovation by a Kosovo Albanian company in Mitrovica North; a Kosovo Albanian worker sustained minor injuries and several cars were damaged.

The Mission continued to implement its executive mandate in a number of criminal cases. On 23 October, a panel of EULEX judges at the Mitrovica Basic Court issued a judgement against seven defendants in the case related to attacks against EULEX personnel in the municipality of Zubin Potok in April and May 2012. Two of the defendants received suspended prison sentences of two years and one year and 10 months, respectively, as well as fines. On 10 December, a panel of EULEX judges at the Mitrovica Basic Court announced the verdict in the second of three judicial proceedings related to the shooting of a Kosovo police officer, Enver Zymberi, in July 2011. One defendant received a suspended sentence of six months' imprisonment for obstruction of official persons in performing their duties, but was acquitted on all other accounts, including aggravated murder. The other defendant was found not guilty of all charges. The main trial in the case against five defendants, including a well-known Kosovo Serb politician, accused of war crimes, continued. Towards the end of the reporting period the closing statements by the prosecution and the defence were heard.

The Mission continued to advise the Kosovo police in northern Kosovo. From 9 November until 13 December, the Kosovo police conducted an operation, with active EULEX support, to prevent illegal woodcutting in northern Kosovo. A new momentum was gained in the efforts of the Kosovo police to introduce intelligence-led policing principles in northern Kosovo, to which EULEX contributed with strategic and practical guidance. On 3 November, the Mission held a workshop with the Regional Police Directorate Mitrovica North on submission of information as part of intelligence-led policing, which in turn was replicated by the Kosovo police in workshops with all station commanders and department heads in northern Kosovo. On 10 December, Kosovo police Regional Directors of Mitrovica North and South met, with EULEX facilitation, to discuss regional challenges and how to increase coordination and cooperation on cross-regional security. On 17 December, EULEX organized a media training and communication workshop for 14 Kosovo police officers from the four northern police stations, which will contribute to the Kosovo police's goal to increase trust and confidence by adequately informing the population. EULEX contributed to combating domestic violence in northern Kosovo by organizing an expert meeting on 22 December that led to the setting up of regular coordination meetings on domestic violence. On 23 December, quick response teams of Regional Police Directorates Mitrovica North and South attended a joint training which included a crowd and riot control demonstration by EULEX, followed by a discussion on training needs. On 30 December, the Police Inspectorate of Kosovo opened its branch in Mitrovica North.

2.4 Dialogue implementation

On 27 November, the fourth central-level meeting on integrated management of crossing points was held in Belgrade. The meeting had high-level representation from both sides and contributed to moving forward with the implementation of the Technical Protocol. Preparations to start the construction of the permanent crossing points were discussed and all parties proposed the participation of EULEX as a permanent member of the project steering committee.

On 17 December, EULEX facilitated the first joint meeting of representatives from the customs administrations of Belgrade and Pristina at the Merdarë/Merdare crossing point. The purpose was to discuss technical and practical issues related to the recently fully operational exchange of customs data.

EULEX received via UNMIK a reply from INTERPOL to a request sent to Belgrade in 2013 for verification of the registration and authenticity of documents used by people in 2,087 cases in order to change their SRB vehicle number plates to KS or RKS plates. The Mission continues to follow up on this verification process as 126 of the cases remain unanswered.

The Mission supported the Ministry of Internal Affairs in its efforts to make civil registry services fully available in northern Kosovo. To this end, EULEX met several times with government representatives, senior officials of the Civil Registration Agency and the northern mayors to discuss the establishment of main civil status registry offices. Certified copies of civil registry books were handed over by the Agency to the representatives of the satellite offices in Zubin Potok in October and in Leposavić/Leposaviq and Zvečan/Zveçan in December.

With the signing of contracts on 11 January 2016 for the remaining 328 former Serbian civil protection staff plus the signing of documents by the 50 former staff members selected for the contingency fund, all 483 former civil protection staff members have been assigned a position in Kosovo institutions in accordance with the agreement.

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 January 2016)

Country	*Number*
Austria	1
Bulgaria	1
Germany	1
Hungary	1
Italy	1
Russian Federation	1
Turkey	1
Ukraine	1
Total	**8**

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 January 2016)

Country	*Number*
Czech Republic	2
Moldova	1
Poland	2
Romania	1
Turkey	1
Ukraine	2
Total	**9**

UNMIK
January 2016
Operational boundary
International boundary
National capital
Republic capital or provincial capital
Town, village
Mountain pass
Major road
Secondary road
Railroad
0 5 10 15 20 25 km
0 5 10 15 mi
SERBIA
MONTENEGRO
Kosovo
ALBANIA
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
UNMIK HQ
Military Liaison Component HQ
Military Liaison Team
UNMIK perimeter of operations
Pristina
Skopje
Kosovska Mitrovica
Peja
Prizren
Gnjilane
Urosevac
Kosovo Polje
Lipljan
Suva Reka
Orahovac
Rahovac
Dakovica
Decani
Klina
Srbica
Vucitrn
Leposavic
Zubin Potok
Zvecan
Zvecan
Podujevo
Kacanik
Tetovo
Gostivar
Brodec
Vrapciste
Debar
Struga
Kicevo
Prilep
Bitola
Ohrid
Resen
Krusevo
Kumanovo
Lipkovo
Tabanovce
Presevo
Bujanovac
Medvedja
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Leskovac
Ravna Banja
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Novi Pazar
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Cacak
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Aleksandrovac
Jagodina
Brus
Raska
Pavlica
Ljubic
Raljevo
Raubona
Blace
Tribunje
Merosina
Rudnica
Drenovac
Kursumlija
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